JAN 2 4 2007

## Duane Morris

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## FACSIMILE TRANSMITTAL SHEET

To:

Examiner Melanie R. Tyson - Group 3731

FIRM/COMPANY:

U.S. Patent and Trademark Office

Mail Stop Amendment

**FACSIMILE NUMBER:** 

571.273.8300

**CONFIRMATION** TELEPHONE:

FROM:

Edward J. Lynch

DIRECT DIAL:

415.957.3067

DATE:

January 24, 2007

**USER NUMBER:** 

5119

FILE NUMBER:

Attorney Docket No. R0368-04000;

Serial No. 10/716,329

TOTAL # OF PAGES:

(INCLUDING COVERSHEET)

13

MESSAGE:

Please find attached a **CORRECTED** Amendment and Response.

Please disregard an Amendment and Response faxed to you earlier

today for this case.

Thank you.

NOTE: Original will not follow

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CILIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 415.957.3000.

PAGE 1/13\* RCVD AT 1/24/2007 2:58:39 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-2/7 \* DNIS:2738300 \* CSID:4159573001 \* DURATION (mm-ss):04-10

**PATENT** 

_		IN THE UNITED STA	TES PATEN				RECEIVED CENTRAL FAX CENTER			
In re the application of			)	Examiner: Melanie R. Tyson						
Burbank et al.			. }	Group A	rt Unit: 3	731	JAN 2 4 2007			
For:	TENA	CULUM-LIKE DEVIC	E FOR )	•						
		AVAGINAL INSTRUM	ENT )							
	DELI	VERY	)			ENT AND				
Serial No.: 10/716,329			)	. 1	<u>ro offi</u>	<u>CE ACTION</u> 11/02/2006	<del></del>			
Filed: November 18, 2003										
Docke	Docket No.: R0368-04000									
		CERTIFICATE OF M	IAILING/FACSIM	ILE PURSUANT	TO 37 C.F.	R. §1.8	26.104.			
7	lmendment	fy that these papers are being sent b Commissioner for Patents, P.O. Bo	ox 1450, Alexandri	) 2/3-8300, address a <sub>3</sub> VA 22313-1450	, on <u>January</u>	ner Meianie K. 1 y <u>24, 2007;</u> in San F	rancisco, CA.			
By: Ciellusing Sime Kingmen										
	Stop Ame									
		for Patents								
	lox 1450 ndria V	A 22313-1450					•			
Dear S	-									
	<ol> <li>Transmitted herewith for filing in the above-identified patent application is an <u>Amendment and Response to Office Action Mailed 11/02/2006</u>.</li> </ol>									
2.	Claim Fee Calculation									
	<u> X</u>	No additional claim fee								
	<del>,</del>	Amendment increases n	umber of claim Additional Cl		•	ncies.				
		Description	Fee Code	Claims	Extra	Rate	Fee			
		Independent Claims	1201	2-9=	0 x	\$200=	\$0			
		Total Claims	1202	14-53=	0 x	\$50=	\$0			
			•		Fees Du	e	\$0			
3.	<u>x</u> .	Applicants herein withd	raw claim to s	mall entity sta	itus.					
4.	Payment	of Fees								
	Enclosed is a check for the total fees due in the amount of									
	X The Commissioner is authorized to charge any fees due, and to credit any overpayment of									
fees set forth under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679,										
referencing Atty, Docket No. R0368-04000. A duplicate copy of this document is enclosed for fee processing.										
By: / Lynch / L. / L										
Duané	Morris I	LLP				422				
One Market				Registration No. 24,422/ Attorney for Applicants						
Spear Tower, Suite 2000										
San Francisco, CA 94105 Telephones (415) 057 2000										
Telephone: (415) 957-3000 Facsimile: (415) 957-3001										

Direct Dial: (415) 957-3067

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Burb	In re the application of				Examiner: Melanie R. Lyson				
Burbank et al.			) Group Art Unit: 3731						
For:		CULUM-LIKE DEVIC VAGINAL INSTRUM VERY			<u>MENDM</u>	ENT AND	RESPONSE		
Serial No.: 10/716,329				) <u>TO OFFICE ACTION MAILED</u> ) <u>11/02/2006</u>					
Filed:	Novemb	er 18, 2003							
Docket No.: R0368-04000  CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8									
I h	uereby certify unendment, (	y that these papers are being sent b Commissioner for Patents, P.O. Bo	y facsimile to (571) x 1450, Alexandri	) 273-8300, addres	sed to Examin	er Melanie R. T	yson, Mail Stop Francisco, CA.		
Commi	Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450								
Dear S	ir:								
	Transmitted herewith for filing in the above-identified patent application is an Amendment and Response to Office Action Mailed 11/02/2006.								
	Claim Fee Calculation  X No additional claim fee is required.  Amendment increases number of claims or multiple dependencies.  Additional Claim Fee Calculation								
		No additional claim fee Amendment increases n	umber of clair			ncies.			
		No additional claim fee Amendment increases n	umber of clair			Rate	Fee		
		No additional claim fee Amendment increases n	umber of clair Additional Cl	aim Fee Calc	ulation		Fee \$0		
		No additional claim fee Amendment increases m  Description	umber of clair Additional Cl Fee Code	aim Fee Calc	ulation Extra	Rate	<del>_</del> -		
		No additional claim fee Amendment increases no  Description Independent Claims	umber of clair Additional Cl Fee Code 1201	aim Fee Cald Claims 2-9=	Extra  0 x  0 x	Rate \$200=	\$0 \$0		
` -		No additional claim fee Amendment increases no  Description Independent Claims	umber of clair Additional Cl Fee Code 1201 1202	claims 2-9= 14-53=	Extra  0 x  0 x  Fees Du	Rate \$200= \$50=	\$0 \$0		
3 4. F	<u>x</u>	No additional claim fee Amendment increases no  Description Independent Claims Total Claims Applicants herein withdraway	raw claim to sthe total fees of thorized to che to R. §1 et No. R0361	Claims 2-9= 14-53= mall entity states any fees .16 or §1.17	Extra  0 x  0 x  Fees Duatus.  ount of due, and of to Dep	Rate \$200= \$50= to credit any	\$0 \$0 \$0 overpayment No 04-16	79,	

Direct Dial: (415) 957-3067

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JAN 2 4 2007

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of Burbank et al.	Examiner: Melanie R. Tyson				
Dajoank Ct al.	Group Art Unit: 3731				
For: TENACULUM-LIKE DEVICE FOR INTRAVAGINAL INSTRUMENT DELIVERY	) ) ) ) AMENDMENT AND RESPONSE ) TO OFFICE ACTION MAILED				
Serial No.: 10/716,329	) <u>11/02/2006</u>				
Filed: November 18, 2003	)				

Docket No.: R0368-04000

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (571) 273-8300, addressed to Examiner Melanie R. Tyson, Mall Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 24, 2007; in San Francisco.

By: Sirpa Kirjoner

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action mailed November 2, 2006, please amend the above identified application as follows: